

REMARKS

After entry of this Preliminary Amendment, claims 1-19 will be pending for examination and reconsideration.

Support for Claim Amendments

Support for amendments to claims 1 and 6 can be found throughout the specification and at, for example, page 14, lines 7-21. Claim 8 is amended in accordance with amendments made to claim 6. Support for new claims 11 and 16 can be found throughout the specification and at, for example, page 11, lines 16-21. Support for new claims 12, 13, 17, and 18 can be found throughout the specification and at, for example, page 12, lines 19-26. Support for new claim 14 can be found throughout the specification and at, for example, page 16, lines 23-25, and FIG. 3A. Support for new claim 15 can be found throughout the specification and at, for example, page 25, line 27 to page 26, line 7. Support for new claim 19 can be found throughout the specification and at, for example, page 13, lines 20-21.

Applicants submit that no new matter is introduced by the amendments or the new claims.

Remarks

Before CPA, claims 1-9 were on appeal and claim 10 was allowed. The Board Decision affirmed the rejections over claims 1-9. The claim rejections relied on the following references: United States Patents Nos. 3,756,693 to Ota, 3,870,517 to Ota *et al.*, and 5,650,872 to Saxe *et al.*, and Japanese patent application number 64-86116 by Naoyuki *et al.*

Claims 1 and 6 both have been amended to recite that at least one of the electrodes has a color that affects the visual state of the claimed capsule. None of the above references describes or suggests a colored electrode or the use of a colored electrode to affect the visual state of a display capsule. Accordingly, Applicants respectfully submit

that the all the claims as amended by the Preliminary Amendment contained herein are allowable over the references on record.


CONCLUSION

If, in the Examiner's opinion, a telephonic interview would serve to clarify issues and expedite the prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

Date: August 12, 2004
Reg. No. Limited Recognition

Tel. No.: (617) 248-7808
Fax No.: (617) 248-7100



Duan Wu
Attorney for Applicants
Testa, Hurwitz, & Thibeault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

THT\2108\13.3104128_1